

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JANE DOE 30's Mother, individually,	§
and as parent, guardian, and next friend of	§
JANE DOE 30, a minor child,	§ No. 82, 2011
individually and on behalf of all others	§
similarly situated,	§
	§
Plaintiffs Below-	§
Appellants,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
MEDICAL SOCIETY OF DELAWARE,	§ in and for New Castle County
a Delaware corporation; JAMES P.	§ C.A. No. 10C-05-023
MARVEL, JR., M.D.; and CAROL A.	§
TAVANI, M.D.,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: February 17, 2011

Decided: February 23, 2011

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 23<sup>rd</sup> day of February 2011, it appears to the Court that:

(1) The plaintiffs below have petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court, dated January 21, 2011, granting defendants' motion for judgment on the pleadings.

(2) The plaintiffs filed their application for certification to take an interlocutory appeal in the Superior Court on January 28, 2011. The Superior Court granted the certification application on February 11, 2011.

(3) In the Superior Court's January 21, 2011 Opinion, the Superior Court dismissed plaintiffs' complaint "without prejudice." The Superior Court then stated:

The plaintiffs are given leave to file an amended complaint within twenty (20) days of this opinion and order or any order from the Supreme Court of Delaware on interlocutory appeal returning the case to this Court's jurisdiction (if amendment is deemed necessary or appropriate at that time).

It appears that plaintiffs filed an Amended Complaint on February 10, 2011.

(4) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, the Court denies the application for interlocutory review.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice